

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) MAGISTRATE CASE NO: 08MJ8448
Plaintiff,) COMPLAINT FOR VIOLATION OF
v.) 8, U.S.C., § 1324(a)(2)(B)(iii)
Aaron GALE-Velazquez,) Bringing in Alien(s) Without
Defendant.) Presentation (Felony)
"AMENDED"

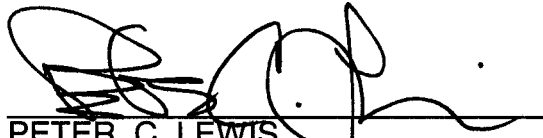
The undersigned complainant, being duly sworn, states:

That on May 15, 2008, within the Southern District of California, defendant Aaron GALE-Velazquez, with the intent to violate immigration laws of the United States, knowing and in reckless disregard of the fact that one alien, namely, Mayra ENCARNACION Cruz, had not received prior official authorization to come to, enter and reside in the United States, did bring to and attempt to bring to the United States said alien and upon arrival did not bring and present said alien immediately to an appropriate Customs Border Protection Officer at the designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

This complaint is based on the attached Probable Cause Statement which is incorporated herein by reference.


GUSTAVO BARRETO
CBP Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 20th DAY
OF MAY 2008.


PETER. C. LEWIS
U. S. MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA

2 v.
Aaron GALE-Velazquez

3 STATEMENT OF FACTS

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5 The Statement of Facts is being amended to reflect the correct name of the Material
6 Witness as Mayra ENCARNACION-Cruz instead of the defendant's name, Aaron GALE-Velazquez.

7 On May 15, 2008, at approximately 8:30 P.M., Aaron GALE-Velazquez (Defendant)
8 arrived at the Calexico, California, East Port of Entry, as the driver of a grey Ford Escort.
9 Defendant presented a United States Passport bearing his name and photograph as his
10 entry document to Customs and Border Protection (CBP) Officer Salazar. During the
11 primary inspection, Defendant gave a negative Customs declaration to CBPO Salazar.
12 Defendant claimed ownership of the vehicle and stated he was going shopping at Wal-Mart
13 in Calexico to CBPO Salazar. CBPO Salazar queried Defendant on primary terminal,
14 resulting in instructions to refer the Defendant for further inspection.

15 At the vehicle secondary lot CBP Canine Officer Taylor with his Human Narcotic
16 Detector Dog (HNDD) Sherra screen the vehicle Defendant was driving. HNDD Sherra
17 gave a positive alert to the dash board area of the vehicle. CBPO Felix escorted Defendant
18 inside the vehicle secondary office and CBP Supervisor Herzog assisted Mayra
19 ENCARNACION Cruz (Material Witness) to exit the compartment.

20 During a videotaped proceeding, Defendant was advised of his rights per Miranda.
21 Defendant stated he understood his rights and would speak without counsel. Defendant
22 stated he was offered a job by a family member's friend to smuggle a person inside a
23 compartment. Defendant stated the only reason he came to the United States today was
24 to smuggle a person inside the dash board compartment. Defendant admitted he was
25 going to be paid \$600.00 once he delivered the person at the Mc Donald's in Calexico,
26 California and return to Mexico.

27 Material Witness stated she is a native and citizen of Mexico with no legal documents
28

1 to enter, reside or pass through the United States. Material Witness stated her boyfriend
2 made the smuggling arrangements to be smuggled into the United States. Material
3 Witness states she was put inside the compartment by an unknown male in Mexicali,
4 Mexico and spent approximately fifteen minutes inside before she was discovered by CBP
5 Officers. Material Witness stated her final destination would have been Fresno, California
6 to reunite with her boyfriend and seek employment.

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8 Material Witness:

9 Name

Country of Birth

10 Mayra ENCARNACION-Cruz

MEXICO

11 Further, the complainant states that she believes said alien is a citizen of a country
12 other than the United States; that said alien has admitted that she is deportable; that her
13 testimony is material, that it is impracticable to secure her attendance at the trial by
14 subpoena; and she is a material witnesses in relation to this criminal charge and should
15 be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.
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